

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK HURN,

Defendant.

ORDER

05-cr-85-bbc

Defendant Mark Hurn has moved to allow his counsel to withdraw and have the court appoint new counsel. If defendant believes that he has reached a point with the federal defender that he no longer wants to be represented by him, I will grant the motion to withdraw. However, defendant should know that it is not my intention to appoint new counsel to represent him. The Constitution does not require the appointment of counsel for defendants filing motions pursuant to 18 U.S.C. § 3582. Instead, I will assume that defendant has asked to have his base offense reduced by 2 and to be sentenced at the bottom of the then applicable guideline level. Next I will allow the United States to object to defendant's implied request to be sentenced at the bottom of new guideline range. After that, defendant will have an opportunity to reply to the government's objections, if the

government makes any.

Because defendant may not have realized that if he is not represented by the federal defender, he will have to proceed pro se, I will give him until March 31, 2009, in which to advise the court whether he still wants to have the federal defender withdraw as his counsel. If nothing is received by defendant before March 31, 2009, I will assume that he does want to go forward on his motion for withdrawal of the federal defender.

Entered this 23d day of March, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge